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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,597	09/29/2000	Eric James	99EC036/77527	9867

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MARIETTA, GA 30067

EXAMINER

FOSTER, ROLAND G

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/675,597

Applicant(s)

JAMES ET AL.

Examiner

Roland G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0010584 A1 to Schultz et al. ("Schultz").

With respect to claim 1, the "voice response server" reads on natural language server (Fig. 7 and paragraph 0095), the connection, processing, and responding to telephone requests reads on paragraphs 0076 - 0088.

Claim 12 differs substantively from claim 1 in that claim 12 recites a means to perform functions equivalent to the method

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steps of claim 1. Therefore, see the claim 1 rejection for additional details. See also Figs. 7-12 for the various means.

With respect to claim 16, the "call manager" reads on the natural language server which provides call center content in the form of IVR dialogues (Fig. 10 and paragraph 0109), the "VMXL interpreter" reads on the VoiceXML server which interprets VXML (Fig. 10 and paragraph 0109), the "network interface" reads on Fig. 7 which illustrates various network interfaces.

With respect to claim 2, the "telephony server" reads on Fig. 7, VoIP gateway, the "remote administrator" reads on certain users have user administration capability granting permissions and rights to certain content (paragraph 0012).

With respect to claims 3, 4, and 19, see paragraphs 0076 and 0144.

With respect to claim 5, the user is a remote administrator (see the claim 2 rejection) who also enters commands using speech recognition (translating input) (paragraph 0048).

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With respect to claim 6, Schultz automatically distributes calls to and from an operator position (e.g., Fig. 1 and paragraph 0084) and therefore can be considered as comprising an "ACD". In addition, the "call center command server" reads on the natural language server (Fig. 10).

With respect to claim 7, see the claims 5 and 16 rejection for further details.

With respect to claims 8 and 20, see paragraph 0049.

With respect to claim 9, see the claim 16 rejection for further details.

With respect to claims 17 and 18, see Fig. 10 which illustrates that the natural language server (call manager) interfaces to telephony gateway (telephony server). Regarding "remote administrator", see claim 2.

With respect to claim 10, see paragraph 0009.

With respect to claims 13 and 15, see Fig. 7.

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With respect to claim 14, see the claim 1 rejection and Fig. 7.

With respect to claim 19, see paragraphs 0076 and 0084.

With respect to claims 21 and 23, the natural language server (call manager) translates user IVR commands into commands suitable for controlling the voiceXML server (Fig. 10).

With respect to claims 22 and 24-26, see Figs. 7, 8, and 10 where the VoiceXML server uses a command interface with both the local area network and the Internet and to the switching platform used as an ACD (as discussed in the claim 6 rejection above).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz as applied to claim 1 above.

Although Schultz discloses an IVR interface where the user can enter voice commands, Schultz fails to disclose that barge-in is supported.

However, "Official Notice" is taken that both the concept and advantages of supporting barge-in in an IVR system would have been well-known and expected in the art.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add barge-in to the IVR system disclosed by Schultz.

The suggestion/motivation for doing so would have been to increase IVR user-friendliness, efficiency, and reliability by allowing a user, especially a skilled user, the ability to enter a command before listening to an entire prompt and without causing the IVR to misunderstand the command. For example, it is well known in IVR systems that the user can press or say "one" before the prompt "press or say one" fully plays out.




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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.

  
Roland G. Foster  
Patent Examiner  
September 3, 2003